

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-1847**

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In re: SHAMONTE LAMONT WALL,

Petitioner.

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On Petition for a Writ of Mandamus.  
(1:05-cr-00096-1)

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Submitted: September 28, 2010 Decided: October 1, 2010

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Before WILKINSON, SHEDD, and DAVIS, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Shamonte Lamont Wall, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shamonte Lamont Wall petitions for a writ of mandamus seeking an order directing the district court to vacate and dismiss his criminal convictions. We conclude that Wall is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Mandamus may not be used as a substitute for appeal, In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007), and is not available if the petitioner has other adequate means to seek the desired relief. In re Braxton, 258 F.3d 250, 261 (4th Cir. 2001).

The relief sought by Wall is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED